BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Preparation for International	)	
Telecommunication Union World	)	**IC Docket No. 94-31**
Radiocommunication Conferences	)	

RESPONSE OF WATERWAY COMMUNICATIONS SYSTEM, INC. TO JOINT SUPPLEMENTAL REPLY COMMENTS

Waterway Communications Systems, Inc. ("WATERCOM") respectfully submits this Response to the unauthorized pleading captioned "Joint Supplemental Reply Comments" submitted by CTA Commercial Systems, Inc., et al, regarding the Commission's preparation for the 1995 World Radio Communication Conference.

I. Statement of Interest.

WATERCOM is a Commercial Mobile Radio Service provider, rendering service to the maritime community along the inland waterway transportation network comprised of the Mississippi, Illinois and Ohio Rivers and the Gulf Intracoastal Waterway via an Automated Maritime Telecommunications System (AMTS) licensed under Part 80 of the Commission's regulations. WATERCOM operates fifty-four (54) coast stations along the 4,000-mile corridor served by its system, with network control and management being

provided through its Operations and Control Center (OCC) at Jeffersonville, Indiana.

II. The 217.5-218 MHz Is Not Appropriate For Satellite Feeder Downlinks.

The Joint Supplemental Commenters propose feeder downlinks at 216-216.5 and 217.5-218 MHz. WATERCOM has no position with regard to the proposed reallocation of 216-216.5 MHz.[1/] WATERCOM is, however, strongly opposed to the requested feeder link allocation at 217.5-218 MHz. That band is actively in use for Commercial Mobile Radio Service operations, and the unique proposition by Joint Supplemental Commenters to require CMRS operators to share spectrum with a service which admittedly will cause harmful interference is totally antithetical to the public interest and the Commission's policy of promoting the integrity of commercial mobile radio services.

1/ The 216-220 band in its entirety originally was allocated for AMTS service; however, the Commission restricted use of frequencies at 216-217 MHz, and consequently of the paired channels at 218-219 MHz, due to concerns about interference to reception of television channel 13. Subsequently, the Commission reallocated 218-219 MHz to the interactive video and data service, and thereby effectively orphaned the 216-217 MHz band. In a recent notice of proposed rulemaking in WT Docket No. 95-56, the Commission has proposed an allocation and implementation scheme for the 216-217 MHz band. According to the Commission's proposal, AMTS operations would be permitted above 216.5 MHz; accordingly WATERCOM does not take a position with regard to the proposed allocation at 216-216.5 MHz.

Whether out of ignorance or sheer guile, the Joint Commenters egregiously mischaracterize the nature and substance of AMTS operations. Joint Commenters describe the AMTS as "an intermittent push-to-talk radio system used primarily for barge traffic up and down the Mississippi River."[2/] Joint Commenters describe the services as entailing a "small number of license facilities and characterize the AMTS service as "under-utilized . . . due to migration to cellular telephones and other communication systems."[3/] Based upon this erroneous and highly superficial analysis, while conceding the probability that AMTS mobile receivers would be subject to interference from satellite downlinks,[4/] Joint Commenters conclude that the "likelihood [of interference] is extremely small."[5/]

Contrary to the characterization of Joint Commenters, the AMTS is not "an intermittent push-to-talk system." Rather, the WATERCOM AMTS system, which initiated service in 1987, is a modern telecommunications network providing both ship-to-shore and shore-to-ship direct dial telephone service, with full telephony, facsimile and data

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2/ Joint Supplemental Reply Comments at p. 15.

3/ Id. at 16.

4/ Ibid.

5/ Ibid.

capabilities. Joint Commenters obviously confuse the AMTS with the manual VHF maritime service operating in the 156-162 MHz band, which both the domestic water transportation industry and the Federal Communications Commission intended, through the AMTS allocation and system development, would be superseded by the Automated Maritime Telecommunication System.[6/]

Joint Commenters similarly are totally erroneous in their reference to a "small number" of licensed facilities and in their characterization of the AMTS as underutilized and as suffering from migration to cellular telephones and other communication systems. With regard to the later, Joint Commenters may again have reference to the 156-162 MHz band maritime service. This is not the case with regard to AMTS service.

Securing the 216-220 MHz allocation for maritime service was one of the primary objectives of the United States at the 1979 World Administrative Radio Conference. The driving force behind the allocation emanated from the needs of the domestic waterborne industry for improved communications services. That industry is concentrated

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6/ Presumably, the term "automated" within the AMTS nomenclature, not to mention the system description in the rulemaking establishing the AMTS, as cited by joint commenters at footnote 26, should have conveyed some understanding to joint commenters that the AMTS is not "an intermittent push-to-talk radio system".

along the inland rivers transportation network, comprised of the Mississippi, Illinois and Ohio Rivers, the Gulf Intracoastal Waterway, the Tennessee-Tombigbee River System, and their tributaries. The WATERCOM system fully serves the 4,000 mile inland waterway transportation corridor on the 40 channels available for AMTS service. Whatever the number of license facilities (which constitute solely the land-based stations, under which authority the mobile subscriber units operate), there is a full complement of licensed facilities on the inland commercial waterway network, including the Gulf Intracoastal Waterway, providing service throughout the eligible service area. Additionally, AMTS operations are being developed on the east and west coasts of the United States.

Moreover, WATERCOM has not suffered from migration of subscribers to "cellular telephones and other communication systems." In that WATERCOM is a new system which is functionally equivalent, if not superior, to cellular service, the maritime community has found no need to, and would realize no benefit from, migration to cellular service. Indeed, cellular service does not cover the inland maritime transportation network; and if it did, the high roaming fees and inability of land-based users to

communicate with vessels through a central switch would drive users from cellular to WATERCOM service.[7/]

As set forth above, Joint Commenters' characterization of the AMTS being underutilized is erroneous, as is its description of the service being used "primarily for barge traffic." The inland AMTS is fully operational and is meeting all Commission objectives underlying the international and domestic allocations. With regard to the traffic served by WATERCOM, "barges" do not have communication requirements.[8/] WATERCOM subscribers on the inland waterway transportation network include towing companies, dredging operators, commercial riverboat operators (e.g., the "Delta Queen"), and government agencies such as the Corps of Engineers and the Coast Guard. Both operationally and from a communications standpoint, towing and dredging vessels are functionally equivalent to a floating factory. The crews on board the towing vessels may number 15-20 persons, and they live and work on the vessels

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7/ The WATERCOM system provides full two-way, communications capability, with the WATERCOM system providing positive mobile units control and routing of calls to vessels anywhere within the WATERCOM coverage area when calls are received at WATERCOM's central switch.

8/ A barge is a cargo carrying unit; and as commonly employed on the inland waterway transportation network, it has no independent power source. Accordingly, the barge is a benign instrument which is subject to control by a tow boat.

for periods lasting up to several months in length. Accordingly, in addition to the vessels' operational and business communication requirements, each vessel functions as a floating community whose residents have communication requirements of their own. Similarly, the river cruise vessels are floating hotels; and WATERCOM serves the communications needs not only of the ships and their crews, but also of the passengers. While comprised of 54 land-based stations, the WATERCOM network serves the business and personal communication needs of a community numbering some 20,000 individuals and companies plus their shore-based correspondents.

The Joint Commenters readily acknowledge the interference potential of feeder downlinks on AMTS operations.[9/] They have not, however, provided any technical analysis of the nature and extent of that interference. It must be presumed, since they have not shared their technical studies with the Commission and with the AMTS operators, that the interference would be substantial. Degrading the Automated Maritime Telecommunication Service, which serves a substantial community and which has fulfilled expectations attending the

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9/ Joint Supplemental Reply at p. 16.

international and domestic allocations for this service, would be wholly contrary to the public interest.

WHEREFORE, THE PREMISES CONSIDERED, Waterway Communications System, Inc., respectfully urges the Federal Communication Commission to REJECT the proposal to recommend a satellite feeder downlink allocation in the 217-218 MHz band.

Respectfully Submitted,

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